

## Establishing Paternity for You and Your Child



**PATERNITY  
OPPORTUNITY  
PROGRAM**

### What is paternity?

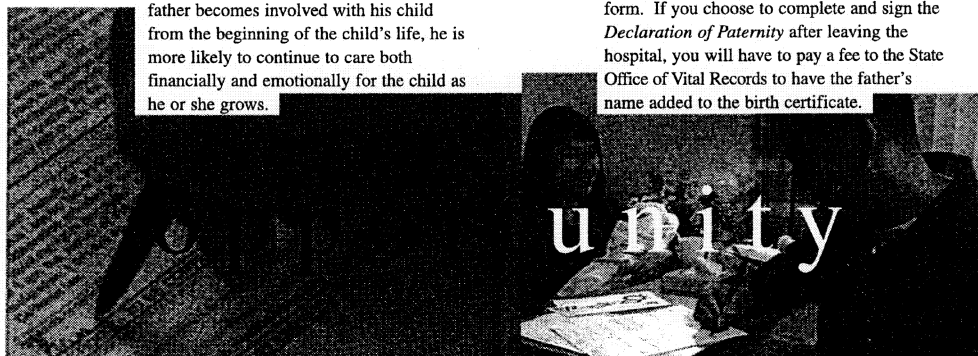
Paternity means fatherhood. Establishing paternity is the legal process of determining the biological father of a child. When parents are married, paternity is usually established automatically. If parents are unmarried, paternity establishment is NOT automatic and the process should be started by both parents as soon as possible for the benefit of the child. Without the establishment of paternity, the father does not have the legal rights or legal responsibilities of a parent. Establishing paternity is necessary before custody, visitation and child support can be ordered by the court. Establishing paternity allows an unmarried father to have his name placed on the birth certificate. Paternity can be established either by signing a *Declaration of Paternity* form or by going to court. If a father becomes involved with his child from the beginning of the child's life, he is more likely to continue to care both financially and emotionally for the child as he or she grows.

### What is a Declaration of Paternity?

The *Declaration of Paternity* is a legal form that, when signed by both parents, says the man is the legal father. Signing the form will legally establish the man as the child's father without having to go to court. Signing the form allows an unmarried father's name to be placed on his child's birth certificate. Signing a *Declaration of Paternity* is voluntary.

### Where can I obtain a Declaration of Paternity?

You can obtain a *Declaration of Paternity* form at the hospital or clinic right after your child is born. Signing the form in the hospital is a quick, easy and free way to have the father's name added to his child's birth certificate. Your local registrar of births and deaths' office, county family support, family law facilitator or welfare offices can also provide you with a *Declaration of Paternity* form. If you choose to complete and sign the *Declaration of Paternity* after leaving the hospital, you will have to pay a fee to the State Office of Vital Records to have the father's name added to the birth certificate.



State of California  
Gray Davis, Governor

Health and Human  
Services Agency  
Grantland Johnson, Secretary

Department of  
Social Services  
Rita Saenz, Director

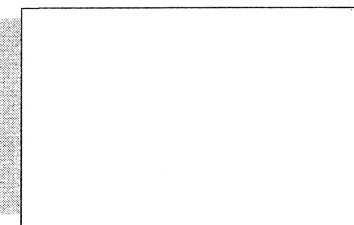
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OSP 99 21850



**Your Child Support  
Enforcement Office:**  
If not stamped below, consult the telephone  
book under District Attorney's Office.





## rights and privileges

### How can a Declaration of Paternity help you?

When the parents of a child are not married at the beginning of the pregnancy or at the birth of the child, the father is NOT considered a legal parent with rights or responsibilities for the child. To help gain legal rights as the child's father, he can sign the *Declaration of Paternity* form. It will legally establish a parent-child relationship between the child and father, without going to court.

### How the child benefits...

By establishing paternity, a child gets the legal rights and privileges of a child born within a marriage. Those rights and privileges may include:

- support from both parents
- legal documentation of who his or her parents are
- access to family medical records
- medical and life insurance coverage from either parent, if available
- inheritance protections
- social security and veteran's benefits, if available
- the emotional benefits of knowing who both parents are

### How the father benefits...

Establishing paternity can help the father experience the companionship and emotional rewards that come with spending time with his child. He can enjoy the benefits of paternity which may include:

- legal establishment of parental rights and responsibilities
- having his name added to the child's birth certificate
- the opportunity to give the child his name if both parents choose
- the ability to add the child to his health insurance plan
- the assurance that social security or veteran's benefits are paid to the child in the event of his death or disability, if eligible
- protecting his child's right to inherit from him
- the right to seek custody or visitation, in a court action, and to be consulted about the adoption of the child

### How the mother benefits...

Establishing paternity can help a mother by sharing the financial burden and emotional pressure that many single parents experience. Cooperative parenting can provide strong emotional support for the mother, father and child. The mother can also enjoy the benefits of paternity which may include:

- improving financial security for the family
- information about family medical history
- help in sharing the parental responsibilities
- access to medical insurance coverage for the child, if available

### Can I rescind or cancel the *Declaration of Paternity* after I sign it?

Either parent may cancel the *Declaration of Paternity* by completing a *Rescission of Paternity* form. This form must be filed with the California Department of Social Services within 60 days of the date the paternity declaration was signed. The rescission form should be sent to:

California Department of Social Services  
Attention: POP Unit  
C/O Data Image Systems  
3062 Prospect Park Drive,  
Suite A  
Sacramento, CA 95670

This form is available at the local District Attorney's Family Support Office or the local registrar of births and deaths' office.

### Where do I go if I have more questions?

For more information about the *Declaration of Paternity*, establishing parentage or child support, please contact your local District Attorney's Family Support Office, Family Law Facilitator Office or legal services organization.

emotional  
support





# How a *Declaration of Paternity* Can Help You and Your New Baby

## What is a *Declaration of Paternity*?

The *Declaration of Paternity* is a legal document that, when signed by both parents, says the man is the natural father of the child. Signing the *Declaration of Paternity* is voluntary.

## How can a *Declaration of Paternity* help us?

When the parents of a child are not married at the beginning of the pregnancy or at the birth of the child, the father may NOT be considered a legal parent with rights or responsibilities for the child.

You can sign the *Declaration of Paternity* to help the father gain legal rights as the child's father. When signed by both parents, the form will legally establish a parent-child relationship between the father and child.

## Why should we sign the declaration?

To show your child that you are proud to be his or her parents!

To legally establish the man as the child's father.

To allow the father's name to be added to your child's birth certificate.

To allow your child to be added to the father's health insurance plan.

To make sure that the father's social security or veteran's benefits are paid to your child, if eligible, in case the father dies or is disabled.

To protect your child's right to inherit from his or her father.

## What does it mean when we sign the declaration?

After both parents sign the declaration and it is filed with the California Department of Social Services, it legally establishes a parent-child relationship between the father and the child. Once paternity is established, the father will have the legal rights and financial responsibilities of a parent under California law. Signing this form will give the father parental rights to seek custody or visitation, in a court action, and to be consulted about the adoption of the child.

## Can we rescind or cancel the declaration after we sign it?

Either parent may cancel or rescind the *Declaration of Paternity* by completing a recession form for the Declaration of Paternity and filing it with the California Department of Social Services within 60 days from the date the declaration was signed. Rescission forms are available at local District Attorney's Family Support Offices or the local registrar of births and deaths' office.

## How do we fill out the declaration?

Sections A and B should be filled out by the parents of the child. The witness will fill out section C. See the instructions on the declaration for more details.

## What do we do if we have more questions?

For more information about the *Declaration of Paternity*, establishing parentage or child support, please contact the local District Attorney's Family Support Office, Family Law Facilitator's Office or legal services organization.



## IMPORTANT NOTICE TO UNMARRIED PARENTS

If the parents of the child are not legally married, the father's name will not be added to the birth certificate unless you: (1) sign a declaration of paternity in the hospital or (2) sign the form later or legally establish paternity through the courts and pay a fee to amend the birth certificate.

### WHAT IS THE PURPOSE OF A DECLARATION OF PATERNITY?

A declaration of paternity form is used to legally establish the paternity (the father) of a child when the mother and father are not married to each other. **It should be signed by the biological mother only if she is not married.** It may be signed by the biological father regardless of his marital status. **Signing this form is voluntary. If any part of this form does not make sense to you, talk to your local Child Support Agency or a lawyer before signing the form.**

### HOW WILL YOU AND YOUR CHILD BENEFIT IF YOU SIGN THIS FORM?

When both parents sign this form it will:

- Legally establish a parent-child relationship between the biological father and the child. Your child has the right to know his or her mother and father and to benefit from a relationship with both parents.
- Allow the father's name to be added to the birth certificate. Your child will benefit by having both of your names appear on his or her birth certificate. If the form is signed after the child's birth certificate is prepared, there will be a fee to amend the birth certificate to add the father's name.
- Legally establish the man as the child's father without going to court. This will give the father parental rights such as the right to seek child custody and visitation through a court action and to be consulted about the adoption of the child.
- Make it easier for your child to learn the medical histories of both parents, to benefit from the father's health care coverage, and to receive Social Security or Veterans' dependent or survivor's benefits, if eligible.

### WHAT DOES IT MEAN IF YOU SIGN A DECLARATION OF PATERNITY?

- A correctly completed and signed declaration of paternity filed with the California Department of Child Support Services will have the same effect as a court order establishing paternity for the child. If your child does not live with you and a court action is filed, you may be ordered by the court to pay child support. A court action must be filed to deal with the issues of custody, visitation or child support.
- By signing this declaration, you are, by your choice, giving up all of the following rights, as they relate to paternity establishment: the right to a trial in court to decide the issue of paternity; to notice of any hearing on the issue of paternity to have the opportunity to present your case to the court, including the right to present and cross examine witnesses; to have an attorney represent you; or to have an attorney appointed to represent you if you cannot afford one in an action filed by the local child support agency.
- A declaration of paternity may be challenged in court only in the first two years after the child's birth by using blood and genetic tests that prove the man is not the biological father. It also may be overturned if the father or mother is able to prove that he/she signed the form because of fraud, duress, or material mistake of fact.
- If either or both of you are under the age of eighteen, a declaration of paternity will not establish paternity until sixty days after both of you are age eighteen or are legally emancipated. If you wish to legally establish paternity before both of you become adults, you should consult an attorney.

### IF YOU CHANGE YOUR MIND AFTER YOU SIGN A DECLARATION OF PATERNITY

- If either of you later change your mind after you sign this form, you must complete a *Rescission Form for the Declaration of Paternity* (CS 915) to cancel or rescind the declaration of paternity. You must file the rescission form with the California Department of Child Support Services within 60 days from the date you signed the declaration of paternity. If you signed the declaration of paternity when you were under the age of 18 years old, you must file the rescission form within 60 days after you reach the age of 18 years old. You can get a rescission form from your local child support agency, local registrar of births and deaths or family law facilitator's office.
- For further questions contact the State POP Coordinator at (866) 249-0773.

**PATERNITY OPPORTUNITY PROGRAM**  
**PATERNITY DECLARATION - INSTRUCTIONS FOR COMPLETION**  
**(THIS FORM IS TO BE COMPLETED BY UNMARRIED PARENTS ONLY)**

**GENERAL  
INFORMATION**

The attached declaration form is to be used by unmarried parents to declare the father of the child. Paternity means legal fatherhood. Completing and signing this form is voluntary. **THIS IS A LEGAL DOCUMENT. PLEASE CAREFULLY READ THE REVERSE SIDE OF THE FORM BEFORE YOU SIGN IT.** There is important information about what it means to you and your child when you sign this form. In order for the Declaration of Paternity to be valid, both parents must complete and sign this form. The form must be signed in the presence of a witness from the hospital or agency accepting the form. If not signed at a hospital, prenatal clinic or public agency, you must sign the form in the presence of a Notary Public. If you are the biological father and you wish to have your name entered on the child's birth certificate, you must sign this form. Otherwise, you must go to court to establish legal paternity and pay a fee to amend the child's birth certificate to add your name. Please see section "Filing This Form" below for more details.

**PLEASE USE BLACK INK WHEN FILLING OUT THE ATTACHED FORM. PRINT ALL INFORMATION, EXCEPT FOR YOUR SIGNATURE. PLEASE PRESS FIRMLY AND PRINT CLEARLY WHEN FILLING OUT THE FORM. THIS FORM MUST BE SIGNED IN THE PRESENCE OF AN AUTHORIZED REPRESENTATIVE OR A NOTARY PUBLIC.**

**SECTION A**

This section identifies the mother, biological father, child and the place of the child's birth. Your social security number may be used to find parents so child support, and other benefits your child may need, may be collected. If you write down your social security number, it will be on any copies made of this form.

**SECTION B**

In this section, both parents declare they are the mother and biological father of the child named on this form. Both parents must sign and date the form, for this form to be legal. **PLEASE READ THE REVERSE SIDE OF THE FORM BEFORE YOU SIGN IT.**

**SECTION C**

This section is to be completed by the person who is a witness to the parents' signatures on the form. The witness must be an official representative of the hospital or agency accepting the form.

**SECTION D**

This section is to be completed **ONLY** when the form is witnessed by a Notary Public. If parents do not complete the form at a hospital, prenatal clinic or public agency, they can only sign it before a Notary Public. This section is to be completed and stamped by a Notary Public.

**FILING THIS  
FORM**

The original of this form **MUST** be sent to:

California Department of Child Support Services  
Paternity Opportunity Program  
P. O. Box 419070  
Rancho Cordova, CA 95741-9070

**THE ORIGINAL OF THIS FORM MUST BE SENT WITHIN 20 DAYS OF DATE IT WAS SIGNED.**

If you did not complete this form at the hospital (*or when you registered your child's birth*), and you want to add the father's name to the birth certificate, you must contact the State Department of Health Services, Office of Vital Records, 304 S Street, P.O. Box 730241, Sacramento, CA 94244-0241 or your Local Registrar of Births and Deaths. They will provide you with the additional forms you need to complete. You will be charged a fee to have your child's birth certificate changed to include the father's name.

Both parents will be given a copy of this form. This form is an important legal record. Parents should keep their copies in a safe place.

**CANCELING OR  
RESCINDING  
THIS FORM**

To rescind or cancel this form, either parent must complete and sign a *Rescission Form for the Declaration of Paternity* (CS 915). This form must be filed with the California Department of Child Support Services POP Unit (*see address above*) within sixty days of the date the paternity declaration was signed. If you signed the declaration of paternity when you were under the age of 18 years old, you must file the rescission form within 60 days after you reach the age of 18 years old. To obtain a form to rescind or cancel this form, contact the local child support agency, local registrar of births and deaths, or family law facilitator's office. Evidence that a copy of the form has been provided to the other parent must also be provided with the rescission form. Rescinding this forms will not remove the father's name from the birth certificate.